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VAN HANDEL, MICHAEL P				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/841,149

Applicant(s)

SAHOTA, RANJIT

Examiner

MICHAEL VAN HANDEL

Art Unit

2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/03/2010 has been entered.

Response to Amendment

2. This action is responsive to an Amendment filed 3/03/2010. Claims **1-27** are pending. Claims **1-5, 7-12, 14-27** are amended.

Response to Arguments

3. Applicant's arguments regarding claims **1, 8, 15, 20, 24**, and **27**, filed 3/03/2010, have been fully considered, but they are not persuasive.

Regarding claims **1, 8, 15, 20, 24**, and **27**, the applicant argues that assuming, without conceding, that Marler describes ancillary information targeting a specific audience being transmitted with a video program, Marler does not teach or suggest such ancillary information being transmitted with the video program based on one or more rules targeting receivers having a particular characteristic. The applicant specifically argues that Marler does not disclose any basis for the ancillary information being transmitted with the television content. The applicant

further specifically argues that Marler does not describe any relation between the ancillary information transmitted and the receivers that the ancillary information is transmitted to. The examiner respectfully disagrees. Marler discloses a content creator 12 that originates enhancement data (or other type of ancillary information) and television content, the combination of which is referred to as enhanced television content (p. 1, paragraph 13 & Fig. 1).

Marler also discloses that software 52 resident on the server or content creator 12 begins receiving content to be transmitted and then receives ancillary information that is to be transmitted in association with the content (p. 3, paragraph 33). The ancillary information is associated and synchronized with the video content (p. 2, paragraph 21). Based on the content of the ancillary information, an icon locator is developed, which provides a pointer to an icon indicating the nature of all or part of the content in the ancillary information. The content, the ancillary information, and the icon locator are transmitted to the receivers (p. 3, paragraph 33). For example, an indicator 34 indicates that the ancillary information is children's content and an indicator 36 indicates that the ancillary information is available in Spanish (p. 3, paragraph 31 & Fig. 3). The examiner interprets this as targeting receivers having a child or Spanish speaking audience. Since Marler discloses developing an icon locator pointing to a content-identifying icon based on the content of the ancillary information and transmitting the content, the ancillary information, and the icon locator together, the examiner interprets this as integrating interactive content into one or more unmodified video data streams based on a rule targeting receivers interested in that particular type of content. That is, in displaying the type of ancillary content, they are targeting receivers interested in that content. As such, the examiner maintains that Marler teaches "creating one or more integrated video data streams by integrating interactive

content into the one or more unmodified data streams based on one or more rules targeting receivers having a particular characteristic,” as currently claimed.

Further regarding claims **1, 8, 15, 20, 24, and 27**, the applicant argues that Mao does not teach or suggest the integration being based on one or more rules targeting receivers having a particular characteristic, or transmitting the integrated web information and television programming to one or more receivers having the particular characteristic. The examiner respectfully disagrees. Mao discloses providing seamless integration of Internet services and digital television signals. Mao discloses that headends of cable systems multiplex MPEG video signals and Internet signals into MPEG channels which can be customized for each customer’s particular use and demands (col. 2, l. 37-43). Mao discloses a MORECAST Personalized Data service that provides HTML based Webcasting content that is personalized based on each user’s individual profile and viewing time (col. 3, l. 27-29 & col. 4, l. 50-52), which is obtained by collecting the client profile and usage data (col. 5, l. 59-60). These personalized channels are targeted in that they are personalized and are accessible through a channel that matches the MAC or IP address associated with that user’s set-top box (col. 6, l. 58-61). As such, the examiner interprets this as integrating based on one or more rules targeting receivers having a particular characteristic and transmitting the integrated web information and television programming to one or more receivers having the particular characteristic, as currently claimed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims **1, 8, 15, 20, 24**, and **27** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2001/0003212 to Marler et al. (Marler).

Referring to claims **1, 8, 15, 20, 24**, and **27**, Marler teaches receiving one or more unmodified video data streams comprised of television content (p. 1, paragraph 13; p. 3, paragraph 33; & Fig. 4) and creating one or more integrated video data streams by integrating interactive content into one or more unmodified video streams based on one or more rules targeting receivers having a particular characteristic (p. 3, paragraphs 31-33, 35 & Fig. 3) and transmitting the one or more integrated video data streams to one or more receivers having the particular characteristic for display (p. 2, paragraphs 24, 26 & p. 3, paragraphs 27, 30, 33; & Fig. 3).

Marler et al. further teaches a transport operator 14 that receives A/V content and enhancement content from a content creator 12 over separate ports (p. 2, paragraph 26 & Fig. 1). The controller 106 of the transport operator runs under control of a software routine 108 that is initially stored in a storage medium 104 and loaded by the controller 106 for execution. Instructions and data of the software routine are also stored in the storage medium. The controller creates special announcements to be transmitted with enhancement data. The enhancement data and special announcements are then transmitted to the receivers, where the A/V content is enhanced (p. 2, 3, paragraphs 26, 27).

6. Claims **1-5**, **7-12**, and **14-27** are rejected under 35 U.S.C. 102(e) as being anticipated by Mao et al.

Referring to claims **1**, **8**, **15**, **20**, **24**, and **27**, Mao discloses a system and method for integrating television content with Internet content. Mao discloses a headend (Fig. 1), which receives one or more unmodified video data streams comprised of television content (30 40 of Fig. 1) and which creates one or more integrated video data streams (col. 2, l. 62-67; col. 3, l. 1-6, 16-29; & col. 4, l. 41-52) by integrating two-way interactive web content received or downloaded from the world wide web 110 (col. 6, l. 30-42, 64-67; col. 7, l. 1-4; & Fig. 1) into the one or more unmodified video data streams based on one or more rules targeting receivers having a particular characteristic (col. 2, l. 62-67; col. 3, l. 1-6, 16-29; & col. 4, l. 41-52). Mao further discloses transmitting the integrated content to a client set-top terminal 150 for display on a TV (Fig. 1).

Referring to claims **2**, **9**, **18**, and **22**, Mao discloses the additional web based information is a web page about a TV commercial (col. 2, l. 65-67). Necessarily, the web page is advertising content.

Referring to claims **3**, **10**, and **25**, Mao discloses using data associated with the interactive content and data associated with the television content to link the interactive content with the television content (col. 8, l. 30-55). The user can display the associated web page with the TV commercial (col. 2 l. 65-67). Mao also discloses a storage unit configured to store data associated with the interactive content and data associated with the television content and a linking unit to link them based on the data stored in the storage unit (col. 5, l. 32-45; col. 6, l. 13-42; col. 8, l. 30-54; & col. 9, l. 8-18).

Referring to claims **4**, **11**, and **26**, Mao discloses displaying the one or more integrated video data streams at the one or more receivers having the particular characteristic to allow a user to interact with the interactive content (col. 2, l. 62-67 & col. 3, l. 1-6).

Referring to claims **5** and **12**, Mao discloses integrating the interactive content into the one or more unmodified video data streams without modifying the interactive content and the TV broadcast content (col. 4, l. 9-32 & Fig. 1).

Referring to claims **7** and **14**, Mao discloses that the particular characteristic is based on tracked user interactions with the interactive content (personalized based on profile and usage information and accessible via channel matching MAC or IP address of STB)(col. 2, l. 40-43; col. 3, l. 27-35; col. 4, l. 50-58; col. 5, l. 59-60; & col. 6, l. 58-61).

Referring to claim **16**, Mao discloses the user can display additional information about a commercial (col. 2, l. 63-65).

Referring to claims **17** and **21**, Mao discloses the claimed set-top box 150 (Fig. 1).

Referring to claims **19** and **23**, Mao discloses defining the particular characteristic to target receivers associated with a specific market, group, or geographic region (col. 2, l. 57-66; col. 3, l. 16-30; & col. 4, l. 41-52).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims **6** and **13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mao et al.

Referring to claims **6** and **13**, Mao fails to specifically disclose the claimed advertising banner. Applicant's failure to adequately traverse the Examiner's taking of Official Notice (that it would have been well known that displaying an advertising banner both provides displaying additional information while minimizing obstruction of the primary video content) in the last Office Action is taken as an admission of the fact(s) noticed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mao to include the claimed limitation for the benefit of providing a viewer with additional information while minimizing obstructing viewing of the primary video content.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VAN HANDEL whose telephone number is (571)272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Van Handel/
Examiner, Art Unit 2424

5/09/2010